

## **REMARKS**

After entry of the instant Amendment, claims 5, 6, 8-10, and 17-29 are pending in the instant application. Claims 1-4, 7, and 11-16 were previously cancelled. Claims 5 and 6 are herein amended. The amendments to these claims find support in at least paragraphs [0015] and [0019] of the specification and in the Examples. Claims 9, 18, and 19 are amended to be consistent with claims 5 and 6. Claims 20-29 are added in this amendment. Independent claim 20 was suggested by the Examiner and is similar to original claim 3. Newly added claims 21-29 are similar to pending claims 8-10, 17, and 18. Support for these claims is found throughout the specification and examples. Accordingly, no new matter is being added.

### **Examiner's Claim Interpretation:**

The Examiner has interpreted the limitation “surface treated” in claim 5 as not requiring a chemical reaction between the silver-based powder and the oxidation inhibitor. The Applicant has amended claim 5 to make it clear to the Examiner that a chemical reaction is required.

### **Claim Rejections Under 35 U.S.C. §103:**

Pursuant to the interpretation of claim 5 as described immediately above, the Examiner rejected claims 5, 6, 8-10, and 17-19 under 35 U.S.C. §103(a) as obvious over Fujiki et al. (U.S. Pat. No. 6,140,446). In rejecting these claims, the Examiner concludes that the ‘446 patent teaches mixing a silicone-based compound comprising silver powder and a triazole-based compound and that this simple mixing results in at least some *physical* surface treatment. This physical treatment, according to the Examiner, is enough to satisfy the limitations of the claims. The Applicant respectfully disagrees.

As clarified in the claim amendments, a *chemical* reaction between the silver powder and the oxidation inhibitor is required. This chemical reaction is not disclosed, taught, or even

suggested in the ‘446 patent. In fact, the Examiner himself recognizes this position. On pages 2 and 3 of the instant Office Action, the Examiner comments that the ‘446 patent is only relied upon due to the broad interpretation of the terminology “surface treated.” Now that this terminology has been clarified, the ‘446 patent is no longer applicable to either the method or composition claims of the instant invention. Accordingly, the Applicant respectfully submits that all of the pending obviousness rejections be withdrawn and that all claims be allowed.

**Claim Amendment Suggested by the Examiner:**

On pages 5-7 of the most recent Office Action, the Examiner suggests a claim amendment that overcomes the prior art rejection of record. This amendment combines the method claimed in original claim 3 with the step of incorporating the surface treated silver-based powder into the curable silicone composition. The Examiner specifically states that none of the prior art of record teaches or suggest such a method. The Applicant agrees with the Examiner’s assessment and has added claim 20 to claim this method. The Applicant has also added claims 21-29 to further define the method set forth in claim 20.

## **Conclusion**

In view of the above, the Applicant respectfully submits that all pending rejections are overcome and that all pending claims are both novel and non-obvious. Therefore, each of the claims is in condition for allowance. Accordingly, the Applicant respectfully requests such allowance. Although no fees are believed to be due at this time, the Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys PLLC for any fees or credit the account for any overpayment for this matter.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS PLLC**

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Date

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